



UNITED STATES DEPARTMENT OF COMMERCE
National Oceanic and Atmospheric Administration
NATIONAL MARINE FISHERIES SERVICE
Northwest Region
7600 Sand Point Way N.E., Bldg. 1
Seattle, WA 98115

Refer to:

OSB1997-0781

May 22, 1997

Don Ostby
Forest Supervisor
Umpqua National Forest
P.O. Box 1008
Roseburg, OR 97470

Cary Osterhaus
District Manager
Roseburg BLM District
777 NW Garden Valley Blvd.
Roseburg, OR 97470

Re: ESA section 7 consultation on livestock grazing allotments on the Umpqua National Forest and Roseburg BLM District, Umpqua River Basin

Dear Mr. Ostby and Mr. Osterhaus:

A biological assessment (BA) describing the effects of permitting livestock grazing during FY 1997 on livestock grazing allotments in the Umpqua National Forest (UNF) and Roseburg Bureau of Land Management (BLM) District on Umpqua River (UR) cutthroat trout was received by the National Marine Fisheries Service (NMFS) on May 8, 1997. The effects determination reached by the Level I team for implementation of FY 1997 livestock grazing on Umpqua National Forest (UNF) grazing allotments was "may affect, likely to adversely affect" (LAA). The effects determinations for one livestock grazing allotment (#7118) on Roseburg BLM District was LAA; the other allotments on BLM were "may affect, not likely to adversely affect" (NLAA). The UNF and Roseburg BLM District also requested conferencing on the effects of the subject actions on Oregon coast (OC) coho salmon and OC steelhead trout. The letters which accompanied the BA stated, and NMFS concurs, that all effects determinations are the same for the three species.

This letter represents NMFS' biological opinion that the effects of this action, to permit grazing on these allotments in FY1997, taken together with cumulative effects and the effects of the environmental baseline, are not likely to jeopardize the continued existence on these listed, proposed, and candidate fish species. This opinion incorporates by this reference, and is tiered to, the March 18, 1997, Biological Opinion and Conference Opinion concerning the implementation of U.S. Forest Service (USFS) Land and Resource Management Plans (LRMPs) and Bureau of Land Management (BLM) Resource Management Plans (RMPs) on the Oregon Coast as they affect these listed, proposed, and candidate species. That programmatic biological opinion is referred to hereafter as LRMP/RMP biological opinion NMFS (1997). This letter also applies the authorization for incidental take, anticipated by the programmatic consultation, NMFS (1997), and as modified herein, to explicitly cover and authorize the incidental take associated with this grazing authorization.



The UR cutthroat trout (*Oncorhynchus clarki clarki*) was listed as endangered under the Endangered Species Act (ESA) by the NMFS (August 9, 1996, 61 FR 41514). The OC coho salmon (*O. kisutch*) and OC steelhead trout (*O. mykiss*) Evolutionarily Significant Units (ESUs) were proposed as threatened under the ESA by NMFS (July 25, 1995, 60 FR 38011 and August 9, 1996, 61 FR 41541). The OC coho salmon ESU was reclassified as a candidate for listing under ESA by NMFS (May 6, 1997, 62 FR 24588). The biological requirements of each of these ESUs is discussed in Attachment 1 of NMFS (1997). Environmental baseline conditions in the Umpqua Basin are discussed on pages 7-10 of NMFS (1996) and pages 13-14 of NMFS (1997). Cumulative effects as defined under 50 CFR 402.02 are discussed for the Umpqua Basin on pages 12-13 of NMFS (1996).

The potential effects of livestock grazing on salmonid habitat are discussed on pages 33-35 of NMFS (1997). References are listed on pages of 52-58 of NMFS (1997).

On UNF livestock grazing allotments, permits will require permittees to monitor fish-bearing streams frequently to keep livestock out of the streams prior to June 30. UNF personnel will also check key areas on a weekly basis. UR cutthroat trout typically spawn between December and May, so fry will have emerged from the gravel before June 30. Because forage is abundant and water is readily available in uplands livestock tend not to use stream areas during periods when salmonids are spawning, eggs are in the gravel, and fry have not emerged from the redds. Key areas will be established and evaluated for riparian vegetation use on at least one fish-bearing stream per allotment during the 1997 grazing season. In addition, three riparian exclosures will be established on selected fish-bearing streams within the allotments during 1997. Photo points will be established, and a monitoring report submitted to NMFS upon completion of the grazing season.

On the one LAA livestock grazing allotment (#7118) on the Roseburg BLM District, riparian fencing will be installed along McGee Creek and its tributaries on BLM land (T24S-R7W-S5) to exclude livestock. The riparian fencing on BLM land in Allotment #7118 is necessary to prevent additional impacts to streambanks and riparian vegetation from livestock use. With incorporation of the fencing, the proposed operation of this allotment was found to be in compliance with the terms and conditions of the LRMP/RMP opinion. The other livestock grazing allotments on the Roseburg BLM district were determined to be NLAA because of their distance from fish-bearing streams or very limited use by livestock.

The March 18, 1997, LRMP/RMP biological opinion (NMFS 1997) on the continued implementation of National Forest and BLM District land and resource management plans (LRMP/RMPs) in the Oregon Coast area (LRMP/RMP Opinion), included the Umpqua National Forest and Roseburg BLM land and resource management plans. The incidental take statement in the LRMP/RMP opinion provided reasonable and prudent measures and terms and conditions to avoid or minimize the take of listed salmonids from implementation of livestock grazing actions (pages 65 and 72-73). The Umpqua Level I team discussed proposed livestock grazing actions on the UNF and Roseburg BLM at an April 25, 1997, meeting in Roseburg, Oregon. The Level I team found that livestock grazing actions

proposed for FY 1997 on the UNF, as described in a written proposal distributed to team members, are consistent with LRMP/RMP standards and guidelines and Aquatic Conservation Strategy objectives and in compliance with reasonable and prudent measures #9 through #11., and corresponding terms and conditions # 9.a, b, and c; #10.a; and 11.a, b, and c of the LRMP/RMP biological opinion. The Level I team also found that the LAA allotment (#7118) on the Roseburg BLM District is in compliance with the above standards and guidelines and terms and conditions.

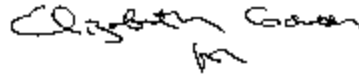
The NMFS finds that the effects of the environmental baseline and cumulative effects relevant to this grazing action have not materially changed from those considered in the programmatic consultation as presented in NMFS (1996) and NMFS (1997) and its supporting record. Because the subject grazing actions will be implemented in a manner which is consistent with general grazing activities and the terms and conditions considered and evaluated in NMFS (1997), NMFS concludes that these site specific actions are not likely to jeopardize the continued existence of UR cutthroat trout, OC coho salmon, or OC steelhead trout. The NMFS used the best available scientific and commercial data to apply its jeopardy analysis which is adequately represented in the programmatic consultation, NMFS (1997). The NMFS further finds that there is no data available since the issuance of the programmatic consultation that would materially change NMFS' biological opinion on the subject grazing actions as expressed in this letter.

The NMFS hereby applies the findings, reasonable and prudent measures, and terms and conditions set forth in the Incidental Take Statement of the programmatic consultation (NMFS 1997) to these site specific grazing actions. A copy of that statement is attached to this letter. In addition to those terms and conditions, and in further implementation of reasonable and prudent measures X.C.9 and 10 (page 65), the Roseburg BLM or its permittee(s) shall also install the proposed fencing on grazing allotment #7118 on BLM land prior to turn out on the affected pasture as a term and condition of this incidental take authorization.

Reinitiation of consultation is required if: (1) the action is modified in a way that causes an effect on the listed species that was not previously considered in the BA and this biological opinion; (2) new information or project monitoring reveals effects of the action that may affect listed species in a way not previously considered; or (3) a new species is listed or critical habitat is designated that may be affected by the action (50 CFR 402.16).

Questions regarding consultation and conferencing on these actions should be directed to Ron Lindland of my staff at 503-231-2315.

Sincerely,

A handwritten signature in dark ink, appearing to read "William Stelle, Jr.", with a stylized flourish at the end.

William Stelle, Jr
Regional Administrator

cc: J. Dose - UNF
D. Rivard - Roseburg BLM

References

National Marine Fisheries Service (NMFS). 1997. Biological Opinion and Conference Opinion on Implementation of Land and Resource Management Plans (USFS) and Resource Management Plans (BLM) on the Oregon Coast. NMFS Northwest Region 7600 Sand Point Way, NE Bin C15700, Bldg. 1, Seattle, Washington 98115. Biological Opinion and three attachments. March 18.

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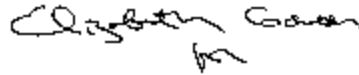
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D. Rivard - Roseburg BLM

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bcc	F/PR2	-	P. Montanio
	F/PR8	-	B. Ziobro
	F/NW03	-	File Copy, R. Lindland, E. Gaar, B. Trusty
	ESB File	-	VIIC and IIID
	GCNW	-	M. Eames
	F/NW	-	W. Stelle, P. Johnson

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OSB § 7 #: OSB1997-0781

Addresses of cc's:

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